

August 13, 2007  
Seven o'clock P.M.  
North Little Rock City Hall Council Chambers  
300 Main Street  
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, August 13, 2007, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, CARY GAINES, JOHN PARKER, CHARLIE HIGHT, and MURRY WITCHER a quorum was declared (8/0). City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Alderman Hight, followed by the pledge of allegiance to the flag which was led by Alderman Witcher.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, July 23, 2007, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, communications # 1, 3 and 4 were accepted and filed (8/0).

1. Sharon Tedford, Mayor's Office memorandum re: *restaurant mixed drink and Sunday beverage – replacement* for the Honey Hut (fka the Honey Hut Two), 3723 MacArthur Drive, by Christina M. Gray.
3. Lieutenant Mark Shoemaker, Fire Marshal, North Little Rock Fire Department, letter to Mayor Hays and City Council members re: efforts to ban the sale and distribution of novelty lighters.
4. Sharon Tedford, Mayor's Office memorandum re: *private club and retail beer on premises - change of manager* for Bogie's, 3605 MacArthur Drive, by Michael Wayne Heitman.

On the motion of Alderman Hight and seconded by Alderman Gaines, and by consent of all members present, communication #2 was read, accepted and filed (8/0).

2. Jesse Baker, Jr. retired Captain North Little Rock Police Department letter to City Council re: police service and recent burglaries in Rose City area.

On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, communication #5 was discussed by title only, accepted and filed. Mayor Hays is to write a letter to the Arkansas Beverage and Control Board asking that the request be denied on behalf of the City Council (8/0).

5. Sharon Tedford, Mayor's Office memorandum re: *NEW retail beer off premises* for Marty's Deli Meat and Grocery, 4618 East Broadway, by Yang S. Chun.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #6 was read, accepted and filed (8/0).

6. Danny Bradley, North Little Rock Police Chief, letter to Mayor Hays and City Council re: communication #2.

Mayor Hays advised a group of people were present who wanted to speak regarding the football program at the Sherman Park Recreation Center. He talked with State Senator Tracy Steele and Alderwoman Robinson about the matter. Mr. Dennis Carroll, President Sherman Park Wildcats football team advised the Parks and Recreation Department initiated a program called “Life Champs” at Burns Park. The youth in the Sherman Park area want to continue to play ball in their neighborhood. Removal of the football equipment has caused a hardship for them. Mr. Carroll said the youth in the area need something positive to do. He has met with Parks staff regarding the equipment. By allowing the youth to participate in the program at Sherman Park, problems in the neighborhood can be reduced. Bleachers at Sherman Park are warped and their scoreboard doesn’t work. Mayor Hays is aware of the problem and advised he and the council will be responsive to the request. Alderwoman Robinson has talked with some of the parents. The main two issues are: the youth want to play in the same league as they did last year; and, they want the equipment returned (jersey’s, pads, etc). Ms. Tina Worrell, Recreation Superintendent advised participation was low in the program last year. The opportunity to participate in the “Life Champs” program was presented. They are working to get the equipment returned. The youth will be able to rent the equipment at no charge, but will be required to put up a \$30.00 deposit.

Mayor Hays advised “public comment” cards have been created and those speaking in the future will be asked to complete a card. This will give the City Clerk a correct spelling and contact information of those who appear before the council and provide information in the event city staff need to contact an individual.

Mayor Hays said the current high heat and heat indexes are causing discomfort for many residents. Heat Relief Centers will be open at all North Little Rock Community Centers from noon until 7:00 p.m. until temperatures subside. The days include Saturday and Sunday. The Yellow Cab Company will provide free transportation on Saturday and Sunday. Central Arkansas Transit Authority will provide free bus tokens to residents so they can get to the relief centers. In addition, the North Little Rock Fire Department is collecting box fans. New and used fans (in good condition) can be donated by dropping them off at any North Little Rock Fire Station. The Fire Department will then distribute the fans to residents in need.

The city is asking North Little Rock Electric Department customers to help conserve energy during the peak usage hours. Everyone is being asked to set their thermostats to 78° between the hours of 1:00 p.m. and 6:00 p.m. and to limit the use of high energy appliances which include washers and dryers, ovens and dishwashers, turn off lights when not in use, and close drapes to help deflect the heat. Everyone was reminded to check on elderly residents as they are more susceptible to the high temperatures.

Mayor Hays invited Community Relations Director Margaret Powell to come forward and briefly review the recent Sister City Youth Exchange. Recently, nine youth and two adults from our Sister City - Uiwang City, South Korea visited North Little Rock. Local families opened their homes to the

visitors. Miss Jessica Soule, a delegate and member of one of the first host families read a poem she wrote for the talent show at the final banquet. Sabrina and Keith Futch have been involved since 2004. They have hosted youth two times and sent two sons to visit Uiwang City. Mrs. Naomi Rogers provided her services and assistance as an interpreter and Sister City advocate for the past seven years. Naomi recently raised money and was a key participant in the building of the Korean War Memorial located in MacArthur Park. Mrs. Rogers introduced Mr. A. W. Buzbee who is a Korean War Veteran and North Little Rock resident.

### **UNFINISHED BUSINESS**

O-07-65

AN ORDINANCE VACATING AND ABANDONING A PORTION OF UTILITY EASEMENTS AND A STREET RIGHT-OF-WAY ON CERTAIN PROPERTY LOCATED IN THE NORTHSORE BUSINESS PARK SOUTH OF NORTH SHORE DRIVE AND WEST OF ARKANSAS SURGICAL HOSPITAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times July 23, 2007. The ordinance was called and held, by sponsor, Mayor Hays.

O-07-66

AN ORDINANCE FIXING RATES FOR SERVICES FURNISHED BY THE SEWER SYSTEM OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; PRESCRIBING OTHER MATTERS PERTAINING THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time July 23, 2007, and amended. The ordinance was read a second time and held. A public hearing will be convened Tuesday, August 28, 2007, at 7:05 p.m.\*

\*A voice vote was taken regarding the next regularly scheduled city council meeting to be held Monday, August 27, 2007. On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the next meeting will be held on Tuesday, August 28, 2007 (8/0).

### **NEW BUSINESS**

R-07-102 (RESOLUTION NO. 7143 - MAYOR HAYS)

A RESOLUTION REAPPOINTING BRAD HUGHES TO THE HOUSING AND BUILDING BOARD OF ADJUSTMENT AND APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-103 (RESOLUTION NO. 7144 - MAYOR HAYS)

A RESOLUTION APPOINTING LINDA GOZA TO THE UNEXPIRED TERM OF MARC FESTERVAND ON THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-104 (RESOLUTION NO. 7145 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDMENT TO THE CITY'S SERVICE APPLICATION CONTRACT FOR ENHANCED 9-1-1

UNIVERSAL EMERGENCY NUMBER SERVICE WITH AT&T; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-105 (RESOLUTION NO. 7146 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT FOR ELECTRIC CUSTOMER ASSISTANCE WITH CENTRAL ARKANSAS DEVELOPMENT COUNCIL; APPROPRIATING FUNDS (\$100,000.00 - Electric O & M Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Bryant and seconded by Alderwoman Robinson. Alderwoman Ross asked about the portion of funding designated for weatherization. Mr. Joe Gertsch, Director of North Little Rock Electric advised the Central Arkansas Development Council (CADC) would administer an energy assistance program for North Little Rock Electric Customers. Specific requirements were reviewed. After discussion, and on the motion of Alderman Bryant and seconded by Alderwoman Ross, and by consent of all members present, the resolution was amended as follows: *Section 5.1 strike through 50% for Home Energy Assistance and replace with 75%, and strike through 50% for Home Weatherization Assistance and replace with 25%* (8/0). Criteria for distribution of funds was reviewed, including providing information to customers when a shutoff notice is mailed, income level, etc. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-07-106 (RESOLUTION NO. 7147 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH NRG ENERGY, INC. FOR PARTICIPATION IN THE DEVELOPMENT OF BIG CAJUN UNIT 1; APPROPRIATING FUNDS (\$250,000.00 - Electric O & M Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Bryant. Mr. Gertsch advised the Electric Department is pursuing acquisition of the City's base load generation capacity. They are evaluating three options for the remaining 60 MWs. Options include Plum Point Unit II, Big Cajun Unit 1, and construction of a Lignite power plant with the cities of Benton and Conway. The Big Cajun 1 development would re-power the gas fired power plant to burn petroleum coke in a circulating fluidized bed boiler. It is similar in every respect to the project recently proposed by Entergy to re-power their Little Gypsy power plant. Big Cajun 1 appears to be the most promising from an economic perspective. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-07-107 (RESOLUTION NO. 7148 - MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID OF DEALERS TRUCK EQUIPMENT FOR AN AERIAL BUCKET TRUCK FOR THE NORTH LITTLE ROCK TRAFFIC SERVICES DEPARTMENT (54,151.00 2007 Budget, balance \$19,636.40 - Sales Tax Improvement Fund = total \$73,787.40); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-108 (RESOLUTION NO. 7149 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH SHORTER COLLEGE FOR THE LEASE OF CERTAIN FACILITIES DURING EMERGENCY SITUATIONS; AND FOR OTHER PURPOSES,

was read. These facilities would include the gymnasium and other buildings. On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-07-109 (RESOLUTION NO. 7150 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK TO UTILIZE FEDERAL AID FUNDS FOR THE DEVELOPMENT AND IMPROVEMENT OF EMERALD PARK TRAIL (approximate cost \$355,000.00); AND FOR OTHER PURPOSES, was

read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. Alderwoman Ross asked where the matching funds would come from. Ward 1 is out of drainage money. Mayor Hays said the city's 20% (\$71,000.00) would most likely come out of Capital Improvement Funds. On the previous motion, and by consent of all members present, with the exception of Alderman Gaines, who voted no, the resolution was adopted (7/1).

O-07-67

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 7932) TO AMEND ACCESS CRITERIA TO HIGHWAY 165; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading. The ordinance was read a second time. Mr. Robert Voyles, Planning Director summarized the amendment which included spacing requirements, turning bays, driveway requirements, etc. A public hearing was scheduled for *Tuesday, August 28, 2007*, at 7:05 p.m. The legislation was then held by the sponsor, Mayor Hays. Mayor Hays asked Mr. Voyles to notify property owners in the area.

O-07-68 (ORDINANCE NO. 7968 - MAYOR HAYS)

AN ORDINANCE AMENDING SECTION 46-82 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD A SECTION FOR RESTRICTIONS ON NOVELTY LIGHTERS AND TO AMEND THE SECTION ON FIREWORKS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson,

and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderwoman Ross had received a lot of calls regarding this item and asked if this should be addressed statewide. Mayor Hays said the types of novelty lighters, (which resemble toys) and the ease of acquisition of them may endanger children who cannot differentiate the difference. Fire Chief Joe McCall said novelty lighters do not meet the minimum requirements pertaining to safety. He said other Fire Chiefs in the state are watching to see what action North Little Rock takes. Jimmy Parks has been a nurse with Arkansas Children's Hospital for 15 years. He and Fire Lieutenant Mark Shoemaker are asking the council to

adopt this ordinance. They have seen children in the burn unit who played with lighters. Several of the lighters were demonstrated for the council, which included some that made noise and had flashing lights. Mayor Hays said children are curious. Nurse Parks and Lieutenant Shoemaker both counsel youth who are prone to play with fire and / or have started fires. Chief McCall advised an adult shot herself in another state with a pistol she mistook as a novelty lighter which looked like a pistol when she attempted to light her cigarette. The roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-07-69 (ORDINANCE NO. 7969 - MAYOR HAYS)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 5317 JFK BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND GRANTING A SPECIAL USE TO ALLOW A CELL TOWER IN AN R-2 ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. A motion to again suspend the rules was made by Alderman Witcher and seconded by Alderman Hight. Alderman Bryant asked what color the tower would be. On the previous motion, and all members present having voted in the affirmative, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

*(applicant: Charles Singleton)*

O-07-70

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE § 42-32 TO INCLUDE AS A NUISANCE THE USE OF TARPAULINS AND OTHER SIMILAR MATERIALS AS DOOR COVERING OR SCREENING ON RESIDENTIAL GARAGES AND CARPORTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. A public hearing was scheduled for *Tuesday, August 28, 2007*, at 7:05 p.m. The ordinance was then held at the request of sponsor, Alderman Hight.

O-07-71

AN ORDINANCE AMENDING SECTION 12.22 (MOBILE STORAGE CONTAINERS) OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE) TO ADD A PARAGRAPH FOR INDUSTRIAL AREAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time. A public hearing was scheduled for *Tuesday, August 28, 2007*, at 7:05 p.m. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Thomas, who voted no, the ordinance was amended as follows:: *substitute copy provided this date (7/1)*. The ordinance was then held by the sponsor, Alderman Witcher.

O-07-72

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW AN APARTMENT ABOVE COMMERCIAL IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 110 E. 13<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of the sponsor, Alderwoman Ross. (*applicant: Phillip Martin*)

O-07-73

AN ORDINANCE AMENDING SECTION 11.9 (CAMP ROBINSON ROAD SIGN OVERLAY DISTRICT) TO CHANGE THE DISTRICT BOUNDARIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of sponsor, Alderman Bryant. A public hearing was scheduled for *Monday, September 10, 2007*, at 7:05 p.m.

O-07-74 (ORDINANCE NO. 7970 - ALDERWOMAN ROSS)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2210 - 2212 MAIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Hight asked about the location and safety of the children due to the proximity to the old high school gymnasium. On the motion of Alderman Bryant and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Hight, who voted no, the ordinance was adopted (7/1). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Hight who voted no (7/1). (*applicant: Christy Venson*)

O-07-75 (ORDINANCE NO. 7971 - ALDERMEN GAINES AND PARKER)

AN ORDINANCE WAIVING BUFFER REQUIREMENTS ON CERTAIN PROPERTY LOCATED AT THE EAST END OF BARONNE WAY AND APPROXIMATELY 1300 FEET NORTH OF COUNTS MASSIE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. At the request of Alderman Gaines, Alderman Parker was added as a cosponsor. On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Mr. Voyles advised the area was zoned Industrial. It will be requested the area be rezoned to R-1 (see O-07-76). On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Bob Holloway*)

O-07-76 (ORDINANCE NO. 7972 - ALDERMEN PARKER AND GAINES)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT THE EAST END OF BARONNE WAY AND APPROXIMATELY 1300 FEET NORTH OF COUNTS MASSIE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE PRESENT I-2 TO R-1 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0).

On the motion of Alderwoman Robinson and seconded by Alderman Gaines, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Bob Holloway*)

#### **PUBLIC COMMENTS-----**

Alderman Hight wished his wife Becky Happy Birthday. Alderman Thomas asked about the public comment cards. Mayor Hays advised this is to help with record keeping. Ms. Whitbey said it will help with the accuracy of the minutes and assist the reporters who cover the meeting. Also, if there is a complaint or concern, the Mayor would have the information to be able to look into it. Mr. James Ard provided his information for public comment. He has been out of town, but kept up with the meetings. He commended those who worked with National Night Out events. He thanked the Levy PAL group for not having alcohol at their recent event. Mr. Ard reiterated his issue with the North Little Rock Electric Inspector and other concerns regarding the same. Mr. James Lawson lives at 415 Willow Street. Mr. Lawson spoke for the youth in Sherman Park. He said they prefer activities in the Sherman Park area to be neighborhood based. Mr. Lawson also commended people for participating in *National Night Out* last week.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, the meeting adjourned at 9:10 p.m. (8/0), until the next regularly scheduled meeting to be held on ***Tuesday, August 28, 2007***, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK